

The Honorable Marsha J. Pechman

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

DIANNE L. KELLEY, et al., )  
v. )  
MICROSOFT CORPORATION, a Washington )  
Corporation, )  
Plaintiffs, ) Case No. C07-0475 MJP  
Defendant. )  
ORDER GRANTING PLAINTIFFS'  
MOTION FOR TRIAL CONTINUANCE

This matter comes before the Court on Plaintiffs' motion for a continuance of the trial date. (Dkt. No. 317.) The Court, having considered the motion, the response (Dkt. No. 323), the reply (Dkt. No. 327) and all pertinent documents in the record, hereby **GRANTS** Plaintiffs' motion.

At the time Plaintiffs filed the present motion, they filed a motion for narrowed class certification. (See Dkt. No. 319.) The Court heard oral argument on the motion for narrowed class certification on March 25, 2009. (Dkt. No. 351.) The trial is currently set to begin April 13, 2009 and a pretrial conference is scheduled for April 3, 2009. (See Dkt. No. 145.) At oral argument, the Court indicated it would rule on the issue of narrowed class certification by March

31, 2009. Plaintiffs' motion presents novel legal arguments that require thorough analysis. Without taking any position on the motion for narrowed class certification, the Court believes a continuance is appropriate. The Court will not rule on Plaintiffs' motion for narrowed certification before the end of the day.

Plaintiffs' motion (Dkt. No. 317) is GRANTED. The trial date and all remaining pretrial dates presented in the trial schedule (Dkt. No. 145) are STRICKEN. The Court will contact the parties to schedule a trial date after it rules on Plaintiffs' motion for narrowed class certification. The Clerk is directed to transmit a copy of this Order to all counsel of record.

Dated this 31st day of March, 2009.

Wesley Rekman

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Marsha J. Pechman  
United States District Judge